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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,384	12/06/2001	Atsushi Fukuzato	05030020AA	5355
7590	07/13/2005		EXAMINER	
Michael E. Whitham, Esq. Whitham, Curtis & Christofferson, PC 11491 Sunset Hills Road- #340 Reston, VA 20190			CONTEE, JOY KIMBERLY	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/003,384	FUKUZATO, ATSUSHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	Joy K Contee	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 14 December 2004.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-9 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-9 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Isikoff, U.S. Patent No. 5,748,084.

Regarding claim 1, Isikoff discloses a method for backing up applications of a portable cellular phone comprising: a step of storing backup application information to be used in said portable cellular phone and identification information used to identify said portable cellular phone in a backup device; a step of transferring, when said application information is backed up, said application information with said identification information being added from said backup device to said portable cellular phone; a step of said portable cellular phone comparing the transferred identification information with identification information of said portable cellular phone; and a step of copying said application information only when both of said identification information match each other (reads on access control software which informs computer through password

verification than authorized person is removing or upgrading the beacon (col. 3,lines 17-23 and col. 4,lines 39-61).

Regarding claim 2, Isikoff discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said identification information is a manufacture serial number and/or a telephone number of said portable cellular phone (col. 4,lines 55-57).

Regarding claim 3, Isikoff discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone performs processing of verifying whether or not said applications transferred from said backup device run normally and does not copy said transferred application if said application does not run properly (col. 4,lines 49-52).

Regarding claim 4, Isikoff discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone stores said application information having undergone the verification processing in said portable cellular phone in an executable format (col. 4,lines 39-61).

Regarding claim 5, Isikoff discloses the method for backing up the applications of the portable cellular phone according to claim 3, wherein said portable cellular phone stores said application information having undergone the verification processing in said portable cellular phone in an executable format (col. 4,lines 39-61).

Regarding claim 6, Isikoff discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone terminates processing when said identification information transferred from said backup

device does not match the identification information of said portable cellular phone ((col. 4,lines 39-61).

Regarding claim 7, Isikoff discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein said portable cellular phone, when said portable cellular phone uses said application information being stored in said backup device at a time of changing a type of said portable cellular phone, compares said identification information transferred from said backup device with said identification information of said portable cellular phone and copies said transferred application information only when both of said identification information match each other(col. 4,lines 39-61).

Regarding claim 8, Isikoff discloses the method for backing up the applications of the portable cellular phone according to claim 1, wherein, when data is transmitted and/or received between said portable cellular phone and said backup device, information indicating a mode is added to said data (col. 5,lines 20-34).

4. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson as modified by Isikoff, in view of Frank et al. (Frank), U.S. Patent No. 6,728,547.

Regarding claim 9, Isikoff discloses the method for backing up applications of the portable cellular phone according to claim 1, but fails to explicitly disclose wherein said application is a Java application.

In a similar field of endeavor, Frank discloses downloading a Java application on a SIM card (col. 2,lnes 3-12).

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify Isikoff to include a Java application to be transferred from SIM to mobile unit since it is well known for the SIM card to have an Java application therein.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hull, U.S. Patent No. 6,772,338, discloses a device for transferring data between an unconscious capture device and another device.

Kanevsky et al., U.S. Patent No. 6,496,949, discloses an emergency backup system method and program product therefor.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joy K Contee whose telephone number is 571.272.7906. The examiner can normally be reached on Monday through Friday, 5:30 a.m. to 2:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571.272.7905. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2686

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JC  
  
JOY K. CONTEE  
PATENT EXAMINER

5/28/05